

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
:
v : **3:CR-19-031**
DENVER LEON PEARSON :
:
(Judge Mannion)
:
Defendant

ORDER

Presently before the court is Magistrate Judge Karoline Mehalchick's report and recommendation, which indicates that Defendant Denver Leon Pearson appeared before her and entered a guilty plea to Count 1 of the Indictment on October 16, 2020. The report and recommendation proposes that, pursuant to the guilty plea, the court enter an order adjudging Defendant Denver Leon Pearson guilty of the offense of Distribution with Intent to Distribute a Controlled Substance pursuant to 21 U.S.C. §841(a)(1) and 841(b)(1)(C) as alleged in Count 1 of the Indictment. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in order to decide whether to adopt the report and recommendation, we must determine whether a review of the record evidences plain error or manifest injustice. See, e.g., Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983); FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely

objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation”); 28 U.S.C. §636(b)(1).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation.

- 1) The magistrate judge’s report and recommendation (Doc. 60) is hereby **ADOPTED**;
- 2) The Court accepts the defendant’s guilty plea and finds him guilty of Distribute and Possess with Intent to Distribute a Controlled Substance pursuant to 21 U.S.C. §841(a)(1) and 841(b)(1)(C) as alleged in Count 1 of the indictment.
- 3) Sentencing shall be scheduled upon receipt of the Presentence Report.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Date: November 5, 2020

19-031-05